

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HARRY SHAROD JAMES-EL,)
)
)
Plaintiff,)
)
)
v.) 1:20CV902
)
)
ERIK A. HOOKS, et al.,)
)
)
Defendant(s).)

ORDER

The Order and Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 23, 2020, was served on the parties in this action. Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

Plaintiff has also filed an application to proceed *in forma pauperis*. (See ECF No. 6.) In light of adopting the recommendation to dismiss this action without prejudice, the application to proceed *in forma pauperis* is denied.

IT IS THEREFORE ORDERED that Plaintiff's application to proceed *in forma pauperis*, (ECF No. 6), is DENIED.

IT IS FURTHER ORDERED that this action be FILED and DISMISSED *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the recommendation.

A judgment dismissing this action will be entered contemporaneously with this Order.

This, the 14th day of January 2021.

/s/ Loretta C. Biggs
United States District Judge